

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA,**

**v.**

**(1) STRYKER BIOTECH, LLC,**

**(2) MARK PHILIP,**

**(3) WILLIAM HEPPNER,**

**(4) DAVID ARD and**

**(5) JEFFREY WHITAKER,**

**Defendants.**

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**Criminal No.: 09-CR-10330-GAO**

**GOVERNMENT'S PROPOSED EXHIBIT LIST**

The government hereby gives notice that it may submit the following evidence (including any relevant metadata in the documents identified) as exhibits during its case-in-chief. The government reserves the right to supplement, modify, or withdraw from this list:

#	Exhibit Description	Date of Exhibit	Bates Number
1	Email from Julie Young	9/3/2004	SEM 00059082-3
2	Email from Jeff Whitaker to Stephanie Sneed	4/13/2005	SEM 00097001
3	Email from Kevin Schneider to Boyer and "Biotech_Marketing and Sales"	6/28/2005	SEM 00022070-1
4	Email from Elloso to Thomas McNally. Subject: OP-1 Putty instructions.	7/4/2005	SSE 00053336
5	Email from Denney to Strong	8/12/2005	SSE 00175287-313
6	Email from Demming to Murphy	9/20/2005	SSE 00213874
7	Email from Elloso to Loanna Molesa. Fax attached: Dr. Harley's mixing instructions.	10/16/2005	SSE 00053264-5
8	Email from Allard to Dr. Vranos	10/19/2005	-
9	4th Annual Stryker Biotech National Sales Meeting Powerpoint Phoenix Arizona	1/20/2006	SS_00000861-989
10	DVD Dr. Kurz OP-1-TCP Mixing Video	2/10/2006	Kurz Video

11	Email from Demming to Murphy	2/13/2006	SSE 0213923-4
12	Email from Houghton to Ring	2/26/2006	CR0006711
13	Email from Elloso to Murphy	3/1/2006	SSE 00053322
14	Email from Elloso to Hellwig	3/27/2006	SSE 00214065-7
15	Email from Demming to C. Feola	4/6/2006	SSE 00213950-2
16	Email from Martin to Furjanic	4/14/2006	SSE 00014495-6
17	Email from Demming to Farley at UPMC	4/25/2006	SSE 00213921-22
18	2006-05-03 Email Heppner to Haggarty, Higinbotham, and Whitaker cc Kurz	5/3/2006	SSE 00057148
19	Email from Carver to Higinbotham	5/15/2006	SSE 00214630
20	2006-06-20 Memo from David Langlais to Global References 06-029	6/20/2006	SS_00003096
21	Email from Whitaker to Lippe	7/3/2006	SMSE 00052499
22	Email from Miller to Miller	7/20/2006	SSE 00214718-20
23	2006-07-26 Email Whitaker to Higinbotham	7/26/2006	SSE 00020849-50
24	Letter from Ring to Huntington Memorial Hospital	-	CR0012895-97
25	2006-09-01 Memo from David Langlais to Global References 06-044	9/1/2006	SS_00003724
26	2006-09-20 Mixing Instructions- Handwritten Letter-OP-1 Efficacy Handout-Chris Ring Business Card	9/20/2006	ARD00014178
27	Email from Sneed to Campbell	9/25/2006	SSE 00014512-15
28	Email from Sneed to tctstryker	9/25/2006	SEM 00102456-9
29	Email from Sneed to Campbell	9/26/2006	SSE 00216379
30	2006-09-29 Mixing Instructions and Chris Ring's Business Card	9/29/2006	ARD00014177
31	Email from Campbell to Sneed	10/18/2006	SSE 00014505-7
32	Email from Sneed to Dr. Pikus	10/18/2006	SSE 00014510-11
33	Email from Sneed to Travis Campbell	10/18/2006	SSE 00216367 - 68
34	Email from Whitaker to Sneed	10/19/2006	SMSE 00050455
35	Email from Ard to Blooston	10/23/2006	SSE 00177498 - 504
36	Email from Whitaker to Sneed	10/26/2006	SEM 00097038
37	Email from Sneed to Craig Black with mixing instructions	10/27/2006	SSE 00216319
38	Email from Sneed to Campbell	11/2/2006	SSE 00014508-9
39	Email from Demming to Intrieri	11/9/2006	SSE 00014528-9
40	Email from Martin to Dugan	11/13/2006	SEM 00063283-4
41	Email from Martin to Furjanic	11/13/2006	SSE 00014488-9
42	Email from Pisarello to Karam	12/5/2006	SSE 00215802
43	Email from Miller to Hammond	12/7/2006	SSE 00058787-8
44	Email from Martin to Furjanic	12/8/2006	SSE 00014493-4

45	Email from Dopson to Lippe	12/11/2006	SSE 00214709
46	Email from Sneed to Grant	12/14/2006	SSE 00216296
47	2007 Business Plan: Stryker Biotech by Tricia Gaston, Sales Trainer & TM	12/31/2006	SSE 00019798-806
48	Email from Martin to Furjanic	1/9/2007	SSE 00014490
49	Email from Demming to Intrieri	1/18/2007	SSE 00014548-73
50	Email from Demming to Hughes	2/9/2007	SSE 00213914
51	Email from Martin to Faught	3/14/2007	SSE 00014522-25
52	Emails between Waller and Doyle	3/23/2007	SEM 00005332
53	Email from Gaston to Dr. Ipsen	5/4/2007	SSE 00214181-83
54	Email from Pisarello to Karam	5/7/2007	SSE 00215801
55	Email from Doyle to Sue Gil	5/17/2007	SEM 00005308
56	Email from Demming to Dr. Welker	5/17/2007	SSE 00014544-5
57	Email from Whitaker to Sanat	6/5/2007	SMSE 00045674-5
58	Email from Whitaker to Heppner	6/5/2007	SMSE 00045697
59	Email from Huston to Garcia	6/13/2007	SSE 00214063
60	Email from Demming to Robinson at UPMC	6/29/2007	SSE 00213926-27
61	Email from Demming to Melvila	7/6/2007	SSE 00014546-7
62	Email from Blooston to Blooston. Attached: Dr. Banks Mixing OP1.doc	7/7/2007	SSE 00213603 - 04
63	Email from Demming to Hobbs	7/11/2007	SSE 00014526-7
64	Email from Ring to Wilson	7/27/2007	SEM 00086504-5
65	2007-07-27 Email from Ring to Ard	7/27/2007	ARD00014191
66	Email from DiProfio to Martin, Shipley, Denney	7/30/2007	SSE 00052994
67	Email from Ring to Ard	7/31/2007	SSE 00215836
68	Email from Ring to Ard	8/1/2007	SSE 00215841-42
69	Email from Ard to Amber D.	8/1/2007	SSE 00215832
70	Email from Ard to Bloome	8/1/2007	SSE 00215833
71	Email from Ring to Ard	8/1/2007	SSE 00215834- 35
72	Email from Ring to Ard	8/1/2007	SSE 00215843 - 44
73	Email from Demming to Nigro	8/2/2007	SSE 00014536-7
74	Email from Demming to Nigro. Attached OP-1 mixing instructions.	8/2/2007	SSE 00213930 - 31
75	Email from Sneed to Romfo	8/8/2007	SSE 00216297
76	Email from Sneed to Romfo	11/9/2007	SSE 00216316-8
77	Email from Whitaker to SE Region	12/11/2007	SSE 00214708
78	Email from Mayes in response to Sample	12/11/2007	SSE 00216228 - 29
79	Email from Demming to Sanat	1/4/2008	SSE 00014516-8
80	Email from Demming to Hobbs	1/21/2008	SSE 00213917-8
81	Email from Demming to Ullum	2/20/2008	SSE 00096451-2

82	Email from Demming to Ullum	2/20/2008	SSE 00213875
83	Gaston notes	-	SBPH 00000001-6
84.001	MDR 2006-00010	6/11/2006	FDA0007699-700
84.002	MDR 2006-00003	6/23/2006	FDA0007956-8
84.003	MDR 2006-00004	3/23/2006	FDA0007962-3
84.004	MDR 2006-00015	7/28/2006	FDA0007897-9
84.005	MDR 2006-00016	8/18/2006	FDA0008035-7
84.006	MDR 2006-00019	9/8/2006	FDA0007773-5
84.007	MDR 2006-00022	9/8/2006	FDA0007777-8
84.008	MDR 2006-00020	9/8/2006	FDA0007783-4
84.009	MDR 2006-00022	9/29/2006	FDA0008017-8
84.010	MDR 2006-00021	9/29/2006	FDA0008015-6
84.011	MDR 2006-00016	10/13/2006	FDA0008021-3
84.012	MDR 2006-00008	11/10/2006	FDA0007684-5
84.013	MDR 2006-00007	11/10/2006	FDA0007681-3
84.014	MDR 2006-00026 (1)	12/15/2006	FDA0007934-8
84.015	MDR 2006-00044 (1)	1/5/2007	FDA0007689-90
84.016	MDR 2007-00005 (0)	2/14/2007	FDA0008116-20
84.017	MDR 2007-00013 (0)	3/9/2007	FDA0008121-25
84.018	MDR 2007-00005 (1)	3/9/2007	FDA0007709-13
84.019	MDR 2007-00094 (0)	9/20/2007	FDA0007726-30
84.020	MDR 2007-00099 (0)	10/1/2007	FDA0007761-3
84.021	MDR 2007-00100 (0)	10/1/2007	FDA0007731-3
84.022	MDR 2007-00098 (0)	10/1/2007	FDA0007758-60
84.023	MDR 2007-00097 (0)	10/1/2007	FDA0007764-6
84.024	MDR 2007-00102 (0)	10/1/2007	FDA0007734-7
84.025	MDR 2007-00096 (0)	10/1/2007	FDA0007756-7
84.026	MDR 2007-00015 (0)	10/30/2007	FDA0007856-7
84.027	MDR 2007-00018 (0)	10/30/2007	FDA0007802-3
84.028	MDR 2007-00020 (0)	10/30/2007	FDA0007864-5
84.029	MDR 2007-00022 (0)	10/30/2007	FDA0007868-9
84.030	MDR 2005-00024 (0)	10/30/2007	FDA0007866-7
84.031	MDR 2005-00027 (0)	10/30/2007	FDA0007888-9
84.032	MDR 2005-00029 (0)	10/30/2007	FDA0007849-51
84.033	MDR 2006-00048 (0)	10/30/2007	FDA0007796-7
84.034	MDR 2006-00050 (0)	10/30/2007	FDA0007827-8
84.035	MDR 2006-00052 (0)	10/30/2007	FDA0007872-4
84.036	MDR 2006-00054 (0)	10/30/2007	FDA0007882-4
84.037	MDR 2006-00056 (0)	10/30/2007	FDA0007829-30
84.038	MDR 2006-00058 (0)	10/30/2007	FDA0007833-4
84.039	MDR 2006-00059 (0)	10/30/2007	FDA0007822-4
84.040	MDR 2006-00061 (0)	10/30/2007	FDA0007890-2
84.041	MDR 2006-00064 (0)	10/30/2007	FDA0007839-40

84.042	MDR 2006-00065 (0)	10/30/2007	FDA0007841-2
84.043	MDR 2006-00068 (0)	10/30/2007	FDA0007847-8
84.044	MDR 2006-00069 (0)	10/30/2007	FDA0007831-2
84.045	MDR 2006-00071 (0)	10/30/2007	FDA0007808-9
84.046	MDR 2006-00072 (0)	10/30/2007	FDA0007806-7
84.047	MDR 2006-00074 (0)	10/30/2007	FDA0007818-9
84.048	MDR 2006-00076 (0)	10/30/2007	FDA0007814-5
84.049	MDR 2006-00078 (0)	10/30/2007	FDA0007862-3
84.050	MDR 2007-00114 (0)	11/9/2007	FDA0007879-881
84.051	MDR 2007-00111 (1)	12/14/2007	FDA0008002-6
84.052	MDR 2007-00099 (1)	12/14/2007	FDA0007986-8
84.053	MDR 2007-00100 (1)	12/14/2007	FDA0007983-5
84.054	MDR 2007-00098 (1)	12/14/2007	FDA0007989-91
84.055	MDR 2007-00097 (1)	12/14/2007	FDA00079924
84.056	MDR 2007-00102 (1)	12/14/2007	FDA0007979-82
84.057	MDR 2007-00103 (1)	12/14/2007	FDA0007976-8
84.058	MDR 2008-00015 (0)	4/10/2008	FDA0007939-41
85	Exemplar of OP-1 Implant in box with label	-	Image
86	Exemplar of OP-1 Putty in box with label	-	Image
87	Exemplar of Calstrux 5cc	-	FDA0008141
88	Exemplar of Calstrux 10cc	-	FDA0008142
89	Exemplar of Calstrux 15cc	-	FDA0008140
90	OP-1 Implant Package Insert	-	V26-0093 Rev.01
91	Revised OP-1 Implant Package Insert	-	USAO23427-8
92	OP-1 Putty Package Insert	-	-
93	Revised OP-1 Putty Package Insert	-	USAO05933
94	510(k) Summary for Stryker TCP Putty	8/26/2004	SEM 00099664-8
95	Revised Calstrux Package Insert	-	FDA0008138-9
96	Stryker Biotech Field Communication, Volpa to Sales Force	10/16/2002	SD 05746
97	Stryker Biotech Response Letter to FDA Questions about 510(k)	8/20/2004	USAO11535-67
98	TCP Putty Marketing Update	11/11/2004	SSE 00023596 - 602
99	Stryker Biotech Customer Letter	9/7/2005	SS 00000386- 87
100	2005-10-31 Sales Representative Observation Sheet	10/31/2005	ARD00013646
101	2005-11-14 Email from Ard to Buffo	11/14/2005	ARD00009460-1
102	Stryker Biotech SWOT Analysis	12/14/2005	SSE 00020074-81
103	Shane Doyle, Sales Rep Performance Review	1/4/2006	SD 00004-7
104	2006-01-07 Email from Philip to Yung et al. and VP Meeting Minutes	1/7/2006	SSE 00162350-1

105	TCP Update	1/19/2006	SS_00000434-38
106	TCP Update	1/19/2006	O00000038-42
107	Comments from Regional sales managers TCP Putty (Calstrux) Related Concerns/Questions National Sales Meeting	1/22/2006	SS_00000441-42
108	Comments from Regional sales managers TCP Putty (Calstrux) Related Concerns/Questions National Sales Meeting	1/22/2006	O 00000045-6
109	Handwritten Notes, Calstrux-Spine	1/25/2006	O 00001008
110	Dr. Fishgrund Invoice, Feb 2006	2/1/2006	SMS 00003377 - 78
111	Dear Doctor Draft from Dr. Silverman	2/1/2006	O 00000070
112	Dear Doctor Letter with handwriting	2/1/2006	O 00000095
113	Philip Notes, Calstrux Marketing Plan	2/1/2006	O 00001005
114	Post-marketing Adverse Events OP-1 Implant / Calstrux Combined Use with handwriting	2/3/2006	O 00000100-1
115	Email from Ryan Denney to Whitaker, Idris, Ard, Murphy, and Heppner	2/15/2006	SSE 00020859-61
116	Email from Idris to Heppner, Denney, Ard et al.	2/15/2006	SSE 00041708-10
117	Email from Whitaker to Heppner	2/15/2006	SMSE 00054513
118	Memo with handwriting from Philip to Alford	2/15/2006	O 00000035-7
119	Memo from Philip to Alford	2/15/2006	SSE 00044859
120	2006-03-15 Email chain between Ard and Denney et al.	2/15/2006	SSE 00057275-77
121	Email from Heppner to Espo	2/16/2006	SSE 00230343-4
122	Emails between Philip and Kurz	2/16/2006	SSE 00086524-25
123	Email from Heppner to Kurz	2/17/2006	SSE 00086852
124	Email from Philip to Idris	2/20/2006	SS_000008411-2
125	Email from Philip to Alford	2/23/2006	O 00000067
126	Email from Philip to Heppner	2/28/2006	SSE 00041372-3
127	Email from Whitaker to Heppner	2/28/2006	SMSE 00054214
128	Email from Lisa Lennek	3/1/2006	SSE 00175203-22
129	Handwritten Notes "Too harsh"	3/1/2006	O 00000074
130	Dear Doctor Letter re AE with Calstrux in combination with OP-1	3/1/2006	O 00000075
131	Slideshow, Calstrux Safety complaints and Plan of Action	3/1/2006	O 00000052-66
132	Email from Lee Petrides	3/2/2006	SEM 00009148
133	Email from Mark Philip	3/2/2006	SS 00000449

134	Emails between Sernatinger and Philip et al.	3/2/2006	O 00000073
135	Email from Idris to Houghton	3/3/2006	SSE 00043054-5
136	Email from Heppner to Sales Team	3/4/2006	SEM 00014508
137	Email from Philip to Houghton	3/4/2006	SSE 00163853-5
138	Email from Martin to Denney	3/4/2006	SEM 00079462-64
139	Email from Houghton to Idris	3/5/2006	SSE 00057320
140	Email from John Houghton	3/5/2006	SSE 00053077
141	Email from Bill Heppner to the sales team about the prospective Calstrux Letter	3/7/2006	SEM 00008027
142	Email string between Heppner and Philip	4/3/2006	SMSE 00007081
143	Email from Heppner to Cameron et al.	5/1/2006	SEM 00008083
144	Email from Philip to Yung et al.	5/10/2006	SSE 00086843-4
145	Kurz Brick vs. Traditional Instrumented PLF Presentation	5/12/2006	SSE 00022258-371
146	Email to Dr. Patel from Ard	5/26/2006	Kmiller 0118-9
147	Email from Philip to Heppner	5/26/2006	SMSE 00028675-7
148	Email from Philip to Dr. Patel	5/26/2006	SMSE 00028678-80
149	Handwritten Letter, Patel to Philip	5/28/2006	SMS00001835-8
150	Email from Philip to Bergy	6/22/2006	SSE 00086633-4
151	Email from Haggarty to HCA	6/28/2006	SSE 00057116-24
152	Email from Philip to FoxSmith	7/5/2006	SSE 00215073-4
153	Email from Alford to Philip	7/5/2006	O 00000028
154	Calstrux Scenario Analysis with handwriting	7/14/2006	O 00000258
155	Regulatory Affairs Considerations Global Perspective	7/14/2006	SSE 0092786-806
156	MidYear Sales Meeting	7/21/2006	SSE 00056914
157	Regulatory Action Summary	7/25/2006	FDA0007103-6
158	Stryker Corporation Board Meeting Minutes Excerpts (As Produced)	7/26/2006	SBM00000022-88
159	FDA Questions from Letter of Deficiency	7/26/2006	O 00000215-33
160	Email from Mayes to Roshi LNU	8/17/2006	SSE 00058690-2
161	Email from Whitaker to Haggarty	8/17/2006	SMSE 00051790
162	Important Safety Alert - Calstrux-Letter to doctors from Julie Krop	8/25/2006	SS 00000490
163	Email from Whitaker to Haggarty	8/30/2006	SSE 00056407-10
164	Sales Training Class September 2006	-	SSE 00025313 - 64
165	2006-09-10 Consulting Receipts for Tushar Patel	9/10/2006	SMS00004127-35
166	Email from Murphy to New Albany Surgical Hospital	10/1/2006	SSE 00213907-8

167	Text with Email String between Heppner and Whitaker	11/5/2006	SMSE 00042755-6
168	Product Approval and Labeling in the United States Slideset	1/1/2007	SSE 00018492-603
169	Feedback from Philip to Eltringham on Top 5 Priorities	3/4/2007	SSE 00064749-51
170	Email from Doyle to Ard	3/8/2007	SSE 00053125
171	Email from Idris to Saur	4/3/2007	SSE 00089035-7
172	2007-05-04 UMC Pricing Proposal	5/4/2007	ARD00013353
173	Email from Peter Murphy	5/25/2007	SMSE 00018089-90
174	2006-07-11 Operative Report	-	2/4/2009 GJ Ex. 5
175	2007-05-25 Operative Report	-	2/4/2009 GJ Ex. 6
176	CT scan of pelvis	-	2/4/2009 GJ Ex. 3
177	Ectopic Bone Formation Case Report Abstract	-	2/4/2009 GJ Ex. 4
178	2010-05 Ectopic Bone Formation in the Pelvis-A Case Report	-	USAO46225-32
179	Email from Boyer to Eltringham	7/13/2007	SSE 00020162-63
180	2007-07-18 OP-1 Q3 Quarterly Meeting Slideset	7/18/2007	ARD00014655
181	Email from Darnell Martin	8/7/2007	SEM 00060919
182	Email from Whitaker to SE Region	8/9/2007	SMSE 00044711
183	Email from Whitaker to Pisarello	8/24/2007	SMSE 00044438-9
184	2007-09-24 Email Eltringham to Sample, Ross, and Martin cc Boyer	9/24/2007	SEM 00042728-30
185	Emails involving Sample and Bowlin	10/1/2007	SEM 00038682-3
186	2007-10-11 Scripps Pricing Proposal	10/11/2007	ARD00013350
187	2007-10-19 Email Sample to Ross cc Heppner and Martin	10/19/2007	SEM 00036953
188	2007-11-01 Email Sample to Ross cc Heppner and Martin	11/1/2007	SEM 00045453-4
189	Emails between Lopez, Sample and others	12/11/2007	SSE 00058548-49
190	Email from Lippe to Boyer	12/14/2007	SSE 00054604- 05
191	2007-12-14 PowerPoint-Calstrux Global Usage Trends	12/14/2007	ARD00013376-401
192	Email from Boyer to Eltringham	1/31/2008	SSE 00219121
193	2008-04-25 FDA Warning Letter	4/25/2008	USAO42251-7
194	Email from Mayes to Dr. Gelb	9/25/2008	SSE 00058606-58608
195	Calstrux Preparation: Evolution	-	WGH-00093-96
196	OP-1/TCP Putty: A retrospective review of 25 Patients	-	WGH-00081-91



197	Table of 102 patient analysis Post-marketing adverse events, OP-1	-	WGH-00002-7
198	Powerpoint "Calstrux - Jeffrey Fischgrund, Lawrence Kurz November 2006	-	WGH-00030-35
199	Espo's invitation to Dr.Kuhns to Emerging Leaders meeting	-	SMSE 00000474
200	Emerging Leaders Agenda	-	SMS 00002844-51
201	"Retrospective Review-William Beaumont Hospital"	-	KMiller 0121-9
202	Letter from DHHS to Amy J. Laforte	4/7/2004	SMSE 00064202-10
203	Sales Process Meeting Key Action Items-Dec 3rd	12/3/2004	SSE 00013638-9
204	Pre-PMA Strategy Update 2-2-2005	2/2/2005	O 00000453-461
205	Email from Boyer to Philip	2/3/2005	SP000000004-13
206	Email from Boyer to Eltringham	3/24/2005	SSE 00216817
207	Pre-PMA Patient Analysis 03-25-2005	3/25/2005	CBUSAO 011819-27
208	Pre-PMA Patient Analysis 03-25-2005	3/25/2005	O 00000472-484
209	Email from Philip to Reali, Houghton, Renker	4/20/2005	O 00001114
210	Emails involving Barnett, Boyer and Houghton	4/22/2005	SSE00013459-523
211	Emails between Boyer, Eltringham, DiProfio et al.	4/22/2005	SSE 00055549-552
212	Sales Summit Meeting Notes 4-22-2005	4/22/2005	O 0001121-5
213	Outlook Entry Meeting 4-26-05	4/25/2005	SMSE 00070468
214	Sales Plan May 2005 with handwriting	5/1/2005	O 00001126-35
215	Letter from Heppner "Sales Force Optimization"	5/19/2005	SMSE 00067247
216	Letter from Heppner "Sales Force Optimization"	5/19/2005	SD 00021-3
217	Email from Martin to Heppner	5/20/2005	SEM 00078091
218	2005-06-05 Email from Philip to Houghton	6/5/2005	SSE 00178529-55
219	Global Sales & Marketing Update John Houghton	6/9/2005	SSE 00178557-77
220	Business and Program Quarterly Review	6/9/2005	SSE 00084139-64
221	Email from Philip to Mitoko	8/7/2005	SSE 00162849-51
222	2006 Budget President's Memo	10/13/2005	SSE 00170561
223	Two Dose Vial Needs Analysis	11/22/2005	SSE 000013348-56
224	Email from C. Boyer to S. Eltringham	12/14/2005	SSE 00216759-63
225	Short Term Sales Challenge with handwriting	12/31/2005	O 00001115-7
226	2006 Sales Quotas	-	SS 00000047

227	Email from Philip to Houghton with Notes from Sales Meeting	1/23/2006	SMSE 00022300-302
228	OP-1 Putty H020008 Annual Report	4/21/2006	SN 00000143-160
229	DHHS Letter to Supko re:H020008/R2	6/30/2006	SS 00000352 - 355
230	DHHS Letter to Supko re:H020008/R2	6/30/2006	O 00000250-3
231	Response to 2006-06-30 Deficiency Letter	7/27/2006	FDA0005732-67
232	Email from Whitaker to Heppner	8/18/2006	SMSE 00051710
233	Email from Philip to Renker	10/1/2006	SMSE 00006511-2
234	2007 Biotech President's Letter	11/17/2006	SSE 00217696
235	2007 Biotech Budget	1/1/2007	SMS 00020253-20254
236	2007 Biotech Budget-This is THE Budget	1/9/2007	O 00000343
237	Email from Philip to Ard, Whitaker, Denney, and Murphy	1/15/2007	SSE 00229823-4
238	Email from Philip to Heppner	1/15/2007	SSE 00229821-2
239	Email from Philip to Whitaker	2/1/2007	SMSE 00006508
240	Email from Supko to Falb et al. and Final Draft 2007 OP-1 Putty AR	4/30/2007	SSE 00226934-87
241	Letter from Donna E. Supko to CDRH with 2007 Annual Report for HDE for OP-1 Putty	4/30/2007	SN 00000302-406
242	Emails from Mark Philip to Yung et al.	6/1/2007	SMSE 00006505
243	2007-06-19 Email from Heppner to Whitaker et al.	6/19/2007	SSE 00219720-1
244	Email from Philip to Sernatinger	6/22/2007	SSE 00226093-4
245	2007-10-11 email from Waswill to others	10/11/2007	SSE 00043072-6
246	Email from Shapiro to Philip	10/16/2007	SHP 00000060-61
247	Emails between Shapiro and Philip	10/24/2007	SHP 00000066-67
248	Email from Philip to Shaprio	10/30/2007	SSHP 00000087-88
249	2008 Biotech President's Letter	10/31/2007	SSE 00212708
250	Email from Philip to Yung et al.	11/9/2007	SSE 00043064-43071
251	Email from Philip to Shapiro	11/13/2007	SSHP 00000107-22
252	Meeting record, Philip, Sernatinger, Renker, Ramsdell	11/13/2007	SSE 00043056-063
253	Sernatinger 19 Nov. 07	11/19/2007	O 00000195
254	Emails between Shapiro and Philip	2/20/2008	SSHP 00000104
255	Email from Eltringham to Young	2/21/2008	SSE 00055682-4
256	Email from Heppner to Renker	2/21/2008	SSE 00177966-978
257	2008-02-21 Email from Plaza to Philip	2/21/2008	SSE 00088368-76
258	Email chain between Ard, J. Whitaker, R. Denney, and B. Heppner	2/22/2008	8/5/2009 GJ Ex. 4
259	Emails between Heppner, Renker and others	2/22/2008	SSE 00050044-50053

260	Email from Whitaker to Espo	2/22/2008	SMSE 00058190
261	2008-02-22 Email from Philip to Plaza	2/22/2008	SSE 00226661-733
262	Consignment Sales Apr-07 to Feb-08	2/26/2008	O 00000550
263	Letter from Philip to customers	2/28/2008	SSE 00057643
264	RA HDE Cap strategies with handwriting	4/1/2008	O 00000553
265	Letter to CDRH from Sarah Hlavachek	5/12/2008	USAO14638-14720
266	SYK- Q3 2008 Stryker Earnings Conference Call Final Transcript	10/16/2008	SCS 00000522-547
267	Handwritten Notes, "What do only some of the pts buy off label..."		O 00000396
268	Handwritten Notes, diagram		O 00000400
269	HDE Cap Estimates Plan with handwriting		O 00000552-3
270	Handwritten Notes		O 00000565
271	HDE Cap Estimates Plan with handwriting	-	O 00000560
272	FDA Letter to Stryker Biotech	8/10/2006	FDA0007511-2
273	FDA Letter to Stryker Biotech	11/2/2006	FDA0007569-80
274.001	Stryker Biotech December 2004 and Year End Report	1/11/2004	SSE 00098607-20
274.002	December and Year End Highlights- Biotech Division	1/11/2004	SSE 00098621-3
274.003	Stryker Biotech January 2005 Report	2/7/2005	SSE 00098568-80
274.004	January Highlights-Biotech Division	2/7/2005	SSE 00098581-3
274.005	Stryker Biotech February 2005 Report	3/7/2005	SSE 00072622-635
274.006	Stryker Biotech March 2005 Report and Highlights	4/7/2005	SSE 00174370-86
274.007	Stryker Biotech April 2005 Report	5/7/2005	SSE 00072649-60
274.008	April Highlights-Biotech Division	5/7/2005	SSE 00171301-3
274.009	2005-06-07 Email from Philip to Kemler and May Monthly Highlights	6/7/2005	SSE 00170659-74
274.010	2005-07-05 Email from Philip to Kemler and June Monthly Highlights	7/7/2005	SSE 00170693-709
274.011	2005-08-08 Email from Philip to Kemler and July Monthly Highlights	8/7/2005	SSE 00162605-22
274.012	2005-09-07 Email From Philip to Kemler and August Monthly Highlights	9/7/2005	SSE 00162432-51
274.013	Stryker Biotech September 2005 Report	10/7/2005	SSE 0072695-711
274.014	September Highlights-Biotech Division	10/7/2005	SSE 00170771-3
274.015	2005-11-04 Email from Philip to Kemler and Oct Monthly Reports	11/4/2005	SSE 00171484-505
274.016	2005-12-08 Email from Philip to Kemler and Nov Monthly Reports	12/8/2005	SSE 00162580-603

274.017	2006-01-09 Email from Philip to Kemler and Dec Monthly Report	1/9/2006	SSE 00086323-43
274.018	2006-02-07 Email from Philip Kemler and Jan Monthly Report	2/7/2006	SSE 00164087-107
274.019	2006-03-07 Email from Philip to Kemler and Feb Monthly Report	3/7/2006	SSE 00086299-322
274.020	2006-04-07 Email from Philip to Kemler and March Monthly Report	4/7/2006	SSE 00019648-74
274.021	2006-05-07 Email from Philip to Kemler and April Monthly Report	5/7/2006	SSE 00162394-416
274.022	2006-06-07 Email from Philip to Kemler and May Monthly Report	6/7/2006	SSE 00086148-71
274.023	2006-07-08 Email from Philip to Kemler and June Monthly Report	7/8/2006	SSE 00063028-51
274.024	Stryker Biotech July 2006 Report prepared by Renker	8/7/2006	SMSE 00009278-9310
274.025	2006-09-07 Email from Philip to MacMillan and Kemler and August 2006 Highlights	9/7/2006	SSE 00128841-4
274.026	Stryker Biotech September 2006 Report	10/7/2006	SSE 00072942-57
274.027	2006-10-07 Email from Philip to Macmillan and Kemler-Highlights	10/7/2006	SSE 00123573-6
274.028	2006-11-07 Email from Philip to Macmillan and Kemler-Highlights	11/7/2006	SSSE 00123606-9
274.029	Stryker Biotech November 2006 Report	12/7/2006	SSE 00030679-92
274.030	November Highlights-Biotech Division	12/7/2006	SSE 00138714-6
274.031	Stryker Biotech December and Year End 2006 Report	1/7/2007	SMSE 00042215-30
274.032	Stryker Biotech January 2007 Report	2/7/2007	SMSE 00019348-62
274.033	Stryker Biotech February 2007 Report	3/7/2007	SMSE 00019363-80
274.034	February 2007 Highlights-Biotech Division	3/7/2007	SMSE 00038461-3
274.035	Stryker Biotech April (sic) 2007 Report	4/7/2007	SMSE 00009444-61
274.036	2007-05-07 Email from Philip to Kemler and April Monthly Reports	5/7/2007	SMSE 00037925-45
274.037	2007-06-08 Email from Philip to Kemler and May Monthly Highlights	6/8/2007	SMSE 00037016-34
274.038	2007-07-07 Email from Philip to Kemler and June Monthly Reports	7/7/2007	SSE 00074713-34
274.039	2007-08-07 Email from Philip to Kemler and July Monthly Reports	8/7/2007	SMSE 00038534-55
274.040	2007-09-07 Email from Philip to Kemler and Aug Monthly Reports	9/7/2007	SMSE 00038724-46

274.041	2007-10-07 Email from Philip to Kemler and Sep Monthly Reports	10/7/2007	SSE 00230291-313
274.042	2007-11-07 Email from Philip to Kemler and Oct Monthly Reports	11/7/2007	SSE 00224017-35
274.043	2007-12-07 Email from Philip to Kemler and Nov Monthly Reports	12/7/2007	SSE 00230246-67
274.044	2008-01-08 Email from Philip to Kemler and Dec Monthly Reports	1/8/2008	SSE 00223959-77
274.045	2008-02-07 Email from Philip to Kemler and Jan Monthly Reports	2/7/2008	SSE 00223978-97
275.001	Philip 2006 Objectives and Bonus Potential	3/5/2005	SMS 00005174-5
275.002	2006-12-15 Salesforce Monthly Compensation Chart	12/15/2006	SMSE 00007244-6
275.003	Philip 2007 Objectives and Bonus with Handwriting	3/1/2007	SMS 00005176
275.004	2007-03-06 Email from Capra to Carvalho	3/6/2007	SS_000007859-60
275.005	2008-01-03 Email from Renker to Hepper and 2007 YTD Compensation	1/3/2008	SSE 00107154-85
275.006	2008 Philip Objectives and Bonus Potential	2/11/2008	SMS 00005160
275.007	2008-02-12 Philip Stock Option Statement	2/12/2008	SS_00007855.1-8
275.008	2008-03-17 Email from Dillon to Renker and Heppner and 2008 Compensation Summary	3/17/2008	SSE 00107248-56
275.009	2006-2008 Annual Compensation Chart		SMS 00003954
276	OP-1 Implant Approval Letter	10/17/2001	USAO23074-5
277	Stryker Biotech Field Communication from Ken Reali to field sales force	3/12/2003	7/22/2009 GJ Ex. 13
278	Cheat Sheet for Rumors in the Field	7/29/2004	O 00001098-1100
279	2005 Budget President's Memo	10/24/2004	SSE 00170559
280	2004-11-03 Email from S. Koenigsberg to M. Cartier	11/3/2004	SEM 00058989-90
281	2005 Budget Objectives	11/8/2004	SSE 00175176
282	Presentation, TCP Biomaterials Synergy	12/1/2004	SS 000009361-77
283.001	DVD, 2005 National Sales Meeting	1/8/2005	SSV000000003
283.002	DVD Excerpt, 2005 National Sales Meeting	1/8/2005	-
284	AdvaMed and Other Legal Issues Slideset	1/8/2005	SMS 00019891-925
285	Osteobiologics presentation by Jeffrey Fischgrund	2/2/2005	SD 00106-170
286	Email from Whitaker to Sneed	3/22/2005	SEM 00098732

287	Stryker Biotech Strategic Plan 2005-2015	4/1/2005	ARD00004264
288	Email from Gaffney to Biggins	4/18/2005	SSE 00228693
289	Email from Whitaker to Sneed	6/6/2005	SEM 00095004-5
290	Short Term Sales Challenge	6/7/2005	SSE 00065505-22
291	Email from Whitaker to Sneed	6/16/2005	SEM 00096602
292	Strategic-Risks and Risk Mitigation- August 2, 2005: VP Meeting	8/2/2005	SSE 00225800-1
293	Forecast Assumptions 2006 with handwriting		O 00001119
294	Forecast Assumptions-2006		SSE 00086540-3
295	Email from Morollo to Alford	2/14/2006	O 00000049
296	Email from Sernatinger to Philip and others	2/16/2006	O 00000090-1
297	Email from Kemler to Philip	2/16/2006	O 00000094
298	Email from Whitaker to Heppner	2/21/2006	SMSE 00054367-8
299	Email from Macek to Philip, Houghton, Barnett	2/21/2006	SSE 00087538-46
300	Email from Philip to Lancaster	2/24/2006	SSE 00215491-2
301	2006-03-02 Email Gaston to Idris et al.	3/2/2006	SEM 00011572-3
302	Email from Sernatinger to Falb, Philip, silverman, Houghton, Alford	3/3/2006	O 00000033-4
303	Calstrux Meeting Reminder with Handwriting	3/3/2006	O 00000071
304	Email from Macek to Philip, Houghton	3/6/2006	SSE 00165583-611
305	Telephone contact log from Carder Higinbotham reporting two AE's for Dr. Jonathan Partington	4/12/2006	SS 00003113
306	Minutes of the regular meeting of the Board of Birectors of Stryker Corporation	4/26/2006	SBM 00000371-3
307	Email from Whitaker to Haggarty, Heppner, Higinbotham	5/4/2006	SSE 00020851-2
308	Email from Higinbotham to Carver	5/9/2006	SSE 000214630
309	Styker Biotech strategic plan roundtable discussion 2006 - 2011	5/9/2006	SSE 00029179--233
310	Doyle's May 16 Representative Briefing	5/16/2006	SSE 00162787
311	Slideset-Calstrux Update	5/16/2006	SSE 00028532-47
312	Email from Whitaker to Heppner and Murphy	5/26/2006	SMSE 00053116-8
313	Quality Assurance Internal Audit Report with handwriting	5/31/2006	O 00001269-82
314	Calstrux Questionnaire	6/1/2006	CR0005081
315	Telephone contact log 2006-01-09	6/9/2006	SS 00003776
316	Comments 11 June 06	6/11/2006	SSE 00212947-8
317	Email Philip to Anderson	6/19/2006	SSE 00041069-086

318	Email from Nebila Idris re: "Migration-Addressing the Issue"	6/23/2006	SS 00000425 - 427
319	Email from Houts to Alford, Sernatinger, Leprohon	6/30/2006	SSE 00175183
320	Calstrux Summary	7/5/2006	SS 00000379-382
321	Email from Morollo to Idris	7/5/2006	SSE 00107492-6
322	Regulatory Agency Contact Report Form	7/12/2006	FDA0000773
323	Email from Mark Philip to Julie Krop and Kenneth O'Flaherty	7/13/2006	SSE 00215063-71
324	Follow-up to Calstrux discussion today & Prep for discussion tomorrow	7/13/2006	SMSE 00069082-4
325	Calstrux Customer Complaint Review Minutes	7/14/2006	SS 00000358-360
326	Email from Whitaker to Heppner	7/16/2006	SMSE 00052280-2
327	Email from Philip to Sernatinger	7/17/2006	SSE 00022590-91
328	Email from Supko to Philip	7/17/2006	SSE 00119842-3
329	Guidance for Industry and FDA Staff Humanitarian Device Exemption Regulation: Questions and Answers	7/18/2006	SSE 00206854-65
330	Stryker Regulatory Action and Reportable Event CAPA	7/25/2006	SSE 00216033-4
331	Heppner-Sales Achievements	7/26/2006	SSE 00217200-1
332	Email from Whitaker to Higinbotham	7/26/2006	SMSE 00052187
333	Minutes of the regular meeting of the Board of Directors of Stryker Corporation	7/26/2006	SBM 00000350- 353
334	Orthopedics Today article "Researchers feeling challenged by federal regulations for off-label device applications"	8/1/2006	-
335	Email from Sneed to Whitaker	8/2/2006	SEM 00103916-7
336	Email from Whitaker to Heppner	8/12/2006	SMSE 00051867-9
337	HDE Information	8/19/2006	SMSE 00069081
338	2006 Email from Ard to Patel	8/25/2006	SMSE 00018856
339	Email from Ard to Murphy, Denney and Whitaker	8/26/2006	SSE 00061549
340	Email from Whitaker to Heppner	8/26/2006	SMSE 00051560
341	Styker Memo "Sac with Yellow Fluid"	8/30/2006	SS 00004019
342	Email from Philip to Renker	9/5/2006	SSE 00123622-3
343	September 2006 Emails	9/11/2006	SMSE 00018117-00018121
344	OP-1 Approval and Labeling in US Presentation	9/18/2006	SSE 00018604-59
345	Email Whitaker to Heppner FW:	10/2/2006	SMSE 00050878
346	Minutes, Calstrux Meeting - CAPA	10/3/2006	SMSE 00036464-6
347	Email from Philip to Renker	10/7/2006	SSE 00022594-5

348	Letter to Ring from Heppner	10/9/2006	SMSE 00069190
349	Memo "Dehiscence, Erythema, Serosanguinous Drainage and Inflammatory Response"	10/18/2006	SS 00004509
350	January 2007 "Right Stuff" Agenda	11/10/2006	SSE 00107550-2
351	2007 US Marketing Plan, Calstrux	11/27/2006	SSE 0021964-22000
352	Email from Buffo to Buffo	11/29/2006	SSE 00177524-8
353	"Carrier Development"	12/21/2006	SMSE 00003226-46
354	Memo from VP, Regulatory Affairs to Biotech Sales Managers	12/22/2006	SMSE 00048802
355	Emails from Philip to Krop	12/29/2006	SSE 00057785 -87
356	2007-01-01 Year-End Letter to West Region	1/1/2007	ARD00013741
357	Email from Kenneth O'Flaherty to N. Idris (CMC/Calstrux)	1/3/2007	SSE 00057262-3
358	Delivered Goods Receipt, Our Lady of The Lake Hospital, Dr. Scrantz for OP-1 and Calstrux	1/8/2007	O 00000563
359	Email from Demming to Dr. Kurz and Dr. Fischgrund	1/9/2007	SMSE 00023033-4
360	2007 Sales Meeting "The Right Stuff"	1/11/2007	SS_000001812-1918
361	DVD, 2007 National Sales Meeting	1/11/2007	-
362	Minutes of the regular meeting of the Board of Directors of Stryker Corporation	2/13/2007	SBM00000354-364
363	Memo, AAOS Mtg. San Diego	2/14/2007	O 00000002-3
364	Email from Gaston to Denney and Heppner	2/15/2007	SSE 00052240
365	Dr. Larry Kurz Review of Patient Data	2/15/2007	O 00000004-5
366	Off-Label OP-1 Use in Posterior Lumbar Instrumented Fusions	2/15/2007	SMS 00004649-743
367	Business and Innovation Quarterly Review	3/13/2007	SSE 00031918-2018
368	Meeting Notes of Visit to Stryker Australia	3/28/2007	SSE 00065496-7
369	Proposal to St. Joseph's Med Center by Steve Eastwood	4/25/2007	SD 00008-10
370	Email from Whitaker to Ross	5/18/2007	SMSE 00046003-5
371	2007-05-24 Email from O'Flaherty with attachment	5/24/2007	SMS 00004732 - 4765
372	Emails involving Sample, Heppner, and Whitaker	6/26/2007	SSE 00089018-20
373	AdvaMed Issues Chart	7/4/2007	O 00000200
374	Handwritten Notes	8/3/2007	O 00000335
375	Email from Ard to Miller et al..	8/7/2007	SEM 00000153
376	Handwritten Notes	8/8/2007	O 00000330-1



377	Spreadsheet with Attendees and Faculty at Emerging Leaders 2007 Meeting	8/9/2007	SEM 00054590-2
378	Slides, Calstrux (US), September 18, 2007	9/18/2007	SSE 00051122-40
379	Stryker Biotech Presentation	9/24/2007	SSE 00063843-903
380	Email from Boyer to Eltringham	10/2/2007	SSE 00019229
381	Email from Ard to Eastwood	10/4/2007	SSE 00213476
382	Email from Philip	10/9/2007	SSE 00042929-32
383	FDA Form 483 to Stryker Biotech	10/18/2007	SMSE 00020575-83
384	Email from Heppner to Martin	10/23/2007	SEM 00044808-11
385	Adverse Reaction and MDR History	11/12/2007	SS 00000308-309
386	Emails between Bono and DiProfio	11/28/2007	S-E 00000691-2
387	Summary-Standard Orders Jan-08	-	O 00000394
388	Section I Performance vs. Key Objectives	1/1/2008	O 00000834
389	Email from Kemler to Philip	1/14/2008	O 00000791
390	Fax-Delivered Goods Receipt from St. Jude	1/24/2008	O 00000417
391	2008-01-29 Letter from MacMillan to Tim Ulatowski	1/29/2008	SSE 00224197-9
392	Email from Renker to Heppner	3/3/2008	SMSE 00076940
393	Letter from Dr. Kim to Ard	3/4/2008	SSE 00020820-1
394	2008-03-07 Email from Sernatinger to Stephen Rhodes	3/7/2008	SP000000144
395	2008-03-18 Letter from MacMillan to Tim Ulatowski	3/18/2008	SSE 00112844
396	Email from Ard to Heppner	4/3/2008	SSE 00050941
397	Email from Whitaker to Demming	4/18/2008	SMSE 00056308-9
398	Letter to Biotech Leadership Team	5/12/2008	SEM 00092050
399	Lopez Notes	-	2/24/2009 GJ Ex.
400	HDE Cap folder	-	O 00000393
401	Brick Slide	-	Kmiller 0084
402	"Things that would interest the FDA"	-	SSE 43053
403	Calstrux and OP-1 (Combined use) Product Adverse Event Trending-July 2006	-	SSE 00216054-5
404	Bone Morphogenetic Proteins What Works?	-	SD 00171-263
405	Letter from Morollo to CDRH including a summary table of adverse events	10/31/2007	USAO18581-91
406	Response to FDA 483		SSE 00033424-56
407	Email from Whitaker to Heppner	8/18/2006	SMSE 00051705

408	Martin Plea Agreement	10/30/2008	-
409	Demming Plea Agreement	2/2/2009	-
410	Ring Plea Agreement	3/2/2009	-
411	Doyle Plea Agreement	3/26/2009	-
412	Letter from Sernatinger to IRB Chairperson	10/26/2007	SEM 00054733
413	Letter from CDRH to Stryker Biotech	6/27/2008	USAO21326-7
414	Letter from McGovern to CDRH	7/28/2008	USAO21325
415	Letter from CDRH to Stryker Biotech	7/10/2009	FDA0007663-5
416	Journal Club Emails	9/7/2008	SSE 00213433-5
417.001	IRB Suspension Letter from Stryker Biotech-Cottage Health System	1/7/2008	USAO14774
417.002	IRB Termination Letter from Stryker Biotech-St. Luke's	11/13/2008	USAO16049
417.003	IRB Termination Letter from Stryker Biotech-Western IRB	1/29/2009	USAO22639
417.004	IRB Termination Letter from Stryker Biotech-St. Elizabeth's	2/4/2009	USAO22638
417.005	IRB Termination Letter from Stryker Biotech-INTEGRIS	2/4/2009	USAO16051
417.006	IRB Termination Letter from Stryker Biotech-Oakwood	2/4/2009	USAO16050
417.007	IRB Termination Letter from Stryker Biotech-Schulman	2/9/2009	USAO22637
417.008	IRB Termination Letter from Stryker Biotech-Western IRB	3/4/2009	USAO22640
417.009	IRB Termination Letter from Stryker Biotech-Intermountain	3/25/2009	USAO16079
417.01	IRB Termination Letter from Stryker Biotech-Texas Health	5/15/2009	USAO15457
417.011	IRB Termination Letter from Stryker Biotech-Texas Health	8/5/2009	USAO15927
417.012	IRB Termination Letter from Stryker Biotech-St.-Huntington Health	8/7/2009	USAO22634
417.013	IRB Termination Letter from Stryker Biotech-Western IRB-Longmont	8/14/2009	USAO15928
417.014	IRB Termination Letter from Stryker Biotech-Western IRB-Jordan Valley	8/14/2009	USAO15929
417.015	IRB Termination Letter from Stryker Biotech-Concord	8/28/2009	USAO22635
417.016	IRB Termination Letter from Stryker Biotech-St. Anne's	9/18/2009	USAO22636
417.017	IRB Termination Letter from Stryker Biotech-Newton-Wellesley	11/10/2009	USAO22725

417.018	IRB Termination Letter from Stryker Biotech-Western IRB- Central FL	11/30/2009	USAO16386
417.019	IRB Termination Letter from Stryker Biotech-Abbott NW	12/3/2009	USAO22730
417.02	IRB Termination Letter from Stryker Biotech-Umass Medical	12/18/2009	USAO22731
417.021	IRB Termination Letter from Stryker Biotech-High Point	1/5/2010	USAO22732
417.022	IRB Termination Letter from Stryker Biotech-Western IRB-Evergreen	1/19/2010	USAO16398
417.023	IRB Termination Letter from Stryker Biotech-Texas Health	2/2/2010	USAO16409

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Dated: December 13, 2011

Certificate of Service

I hereby certify that the foregoing documents filed through the ECF system will be sent electronically to counsel for each defendant who is a registered participant as identified on the Notice of Electronic Filing (NEF).

/s/Jeremy M. Sternberg  
Jeremy M. Sternberg  
Assistant U.S. Attorney

Dated: December 13, 2011